

tion in number of employees of United States Travel Service in District of Columbia offices, prior to repeal by Pub. L. 97-63, §5(b), Oct. 16, 1981, 95 Stat. 1018, effective Oct. 1, 1981.

Section 2129, Pub. L. 87-63, title III, §307, as added Pub. L. 101-508, title X, §10301(b), Nov. 5, 1990, 104 Stat. 1388-396, provided civil penalties for nonpayment of Travel and Tourism Administration Facilitation fee.

CHAPTER 31A—NATIONAL TOURISM ORGANIZATION

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CHAPTER REFERRED TO IN OTHER SECTIONS

This chapter is referred to in section 2122 of this title.

§ 2141. Findings and purpose

(a) Findings

The Congress finds that—

(1) The travel and tourism industry is the second largest service and retail industry in the United States, and travel and tourism services ranked as the largest United States export in 1995, generating an \$18.6 billion surplus for the United States.

(2) Domestic and international travel and tourism expenditures totaled \$433 billion in 1995, \$415 billion spent directly within the United States and an additional \$18 billion spent by international travelers on United States carriers traveling to the United States.

(3) Direct travel and tourism receipts make up 6 percent of the United States gross domestic product.

(4) In 1994, the travel and tourism industry was the nation's second largest employer, directly responsible for 6.3 million jobs and indirectly responsible for another 8 million jobs.

(5) Employment in major sectors of the travel and tourism industry is expected to increase 35 percent by the year 2005.

(6) 99.7 percent of travel businesses are defined by the Federal government¹ as small businesses.

(7) The White House Conference on Travel and Tourism in 1995 recommended the establishment of a new national tourism organization to represent and promote international travel and tourism to the United States.

(8) Recent Federal tourism promotion efforts have failed to stem the rapid erosion of our country's international tourism market share.

(9) In fact, the United States' share of worldwide travel receipts dropped from a peak of 19.3 percent in 1992 down to 15.7 percent by the end of 1994.

(10) The United States has now fallen to only the third leading international destination.

(11) Because the United States Travel and Tourism Administration had insufficient resources and effectiveness to reverse the recent decline in the United States' share of international travel and tourism, Congress discontinued USTTA's funding.

(12) Promotion of the United States' international travel and tourism interests can be more effectively managed by a private organization at less cost to the taxpayers.

(b) Purpose

The purpose of this chapter is to create a privately managed, federally sanctioned United States National Tourism Organization to represent and promote United States international travel and tourism.

(Pub. L. 104-288, §2, Oct. 11, 1996, 110 Stat. 3402.)

REFERENCES IN TEXT

This chapter, referred to in subsec. (b), was in the original "this Act", meaning Pub. L. 104-288, Oct. 11, 1996, 110 Stat. 3402, which is classified principally to this chapter. For complete classification of this Act to the Code, see Short Title note set out below and Tables.

SHORT TITLE

Section 1 of Pub. L. 104-288 provided that: "This Act [enacting this chapter and section 2124 of this title, amending sections 2122 and 2124c of this title and section 4727 of Title 15, Commerce and Trade, and repealing sections 2123 to 2123d, 2124 to 2124b, and 2126 to 2129 of this title] may be cited as the 'United States National Tourism Organization Act of 1996'."

§ 2141a. United States National Tourism Organization

(a) Establishment

There is established the United States National Tourism Organization which shall be a private not-for-profit organization.

(b) Organization not Federal agency

The Organization shall (1) not be considered a Federal agency, (2) have employees appointed without regard to the provisions of title 5 governing appointments in the competitive service, and paid without regard to the provisions of chapter 51 and subchapter III of chapter 53 of that title relating to classification and General

¹ So in original. Probably should be capitalized.

Schedule pay rates, and (3) not be subject to the Federal Advisory Committee Act or any other Federal law governing the operation of Federal agencies.

(c) IRS status

The Organization shall be presumed to have the status of an organization described in section 501(c)(6) of title 26 until such time as the Secretary of the Treasury determines that the Organization does not meet the requirements of such section.

(d) Purpose of Organization

The Organization shall—

(1) seek and work for an increase in the share of the United States in the global tourism market;

(2) work in conjunction with Federal, State, and local agencies to develop and implement a coordinated United States travel and tourism policy;

(3) advise the President, the Congress, and the domestic travel and tourism industry on the implementation of the national travel and tourism strategy and on other matters affecting travel and tourism;

(4) operate travel and tourism promotion programs outside the United States in partnership with the travel and tourism industry in the United States;

(5) establish a travel and tourism data bank to gather and disseminate travel and tourism market data;

(6) conduct market research necessary for effective promotion of the travel and tourism market; and

(7) promote United States travel and tourism, including international trade shows and conferences.

(e) Powers of Organization

The Organization—

(1) shall have perpetual succession;

(2) shall represent the United States travel and tourism industry in its relations with international tourism agencies;

(3) may sue and be sued, make contracts, and acquire, hold, and dispose of real and personal property, as may be necessary for its corporate purposes;

(4) may provide financial assistance to any organization or association in furtherance of the purpose of the corporation;

(5) may adopt and alter a corporate seal;

(6) may establish and maintain offices for the conduct of the affairs of the Organization; and

(7) may conduct any and all acts necessary and proper to carry out the purposes of this chapter.

(f) Funding

(1) Furtherance of chapter

The Organization may accept gifts, legacies, devises, contributions, and payments in furtherance of the purposes of this chapter.

(2) Expenses

The Organization may also accept such gifts, legacies, devises, contributions, and payments on behalf of the National Tourism Organization Board to cover the expenses of the Board.

(g) Political activities prohibited

The Organization shall not engage in any activities designed in part or in whole to promote a political party or the candidacy of any person seeking or holding political office.

(Pub. L. 104-288, §3, Oct. 11, 1996, 110 Stat. 3403.)

CONTINGENT REPEAL

Section repealed if within 2 years after Oct. 11, 1996, United States National Tourism Organization Board has not developed and implemented comprehensive plan for long-term financing of United States National Tourism Organization, see section 2141e(a) of this title.

REFERENCES IN TEXT

The provisions of title 5 governing appointments in the competitive service, referred to in subsec. (b), are classified to section 3301 et seq. of Title 5, Government Organization and Employees.

The Federal Advisory Committee Act, referred to in subsec. (b), is Pub. L. 92-463, Oct. 6, 1972, 86 Stat. 770, as amended, which is set out in the Appendix to Title 5.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 2141e, 2141f of this title.

§ 2141b. United States National Tourism Organization Board

(a) Establishment

There is established the United States National Tourism Organization Board for the purposes of governing and supervising the activities of the Organization.

(b) Members

The Board shall be self perpetuating and the initial members of the Board shall be appointed or elected as follows:

(1) The Under Secretary of Commerce for International Trade of the Department of Commerce, who will serve as a member ex officio;

(2) 5 State Travel Directors elected by the National Council of State Travel Directors;

(3) 5 members elected by the International Association of Convention and Visitors Bureaus;

(4) 3 members elected by the Air Transport Association;

(5) 1 member elected by the National Association of Recreational Vehicle Parks and Campgrounds, 1 member elected by the Recreation Vehicle Industry Association;

(6) 2 members elected by the International Association of Amusement Parks and Attractions;

(7) 3 members of the travel payments industry appointed by the Travel Industry Association of America;

(8) 5 members elected by the American Hotel and Motel Association;

(9) 2 members elected by the American Car Rental Association; 1 member elected by the American Automobile Association, 1 member elected by the American Bus Association, 1 member elected by Amtrak;

(10) 1 member elected by the American Society of Travel Agents, and 1 member elected by the Association of Retail Travel Agents;

(11) 1 member elected by the National Tour Association, 1 member elected by the United States Tour Operators Association;

(12) 1 member elected by the Cruise Lines International Association, 1 member elected by the National Restaurant Association, 1 member elected by the National Park Hospitality Association, 1 member elected by the Airports Council International, 1 member elected by the Meeting Professionals International, 1 member elected by the American Sightseeing International, 4 members elected by the Travel Industry Association of America;

(13) 1 member elected by the Rural Tourism Foundation;

(14) 1 member elected by the American Association of Museums; and

(15) 1 member elected by the National Trust for Historic Preservation.

(c) Chair

The Board shall elect a Chair for an initial term of 2 years. After such initial term, the Chair shall be elected for such term as the Board may designate.

(d) President

The Board shall appoint and establish the compensation and duties of a President of the Organization who shall assist the Chair in organizing and carrying out the necessary functions of the Board. The duties of the President shall include serving as a non-voting member of the Tourism Policy Council established under section 2124 of this title.

(e) Powers and duties of Board

(1) The Board shall adopt for itself and the Organization such bylaws and delegation of authority as it deems necessary and proper, which shall—

(A) require at least a three-fifths majority vote for amendment;

(B) set forth the process for the number, terms, and appointment or election of future Board members;

(C) provide the authority for the hiring and compensation of staff; and

(D) establish the procedures for calling meetings and providing appropriate notice, including procedures for closing meetings where confidential information or strategy will be discussed.

(2) The Board shall designate a place of business for the receipt of process for the Organization, subject to the laws of the State or district so designated, where such laws do not conflict with the provisions of this chapter.

(3) The Board shall present testimony and make available reports on its findings and recommendations to the Congress and to legislatures of the States on at least a biannual basis.

(4) Within one year of the date of its first meeting, the Board shall report to the Senate Committee on Commerce, Science, and Transportation and the House Committee on Commerce on a plan for long-term financing for the Organization, with a focus on contributions from the private sector and State and local entities, and, if necessary, make recommendations to the Congress and the President for further legislation.

(f) Compensation and expenses

The Chair and members of the Board shall serve without compensation but may be compensated for expenses incurred in carrying out the duties of the Board.

(g) Immunity

Members of the Board shall not be personally liable for any action taken by the Board.

(h) Meetings

The Board shall meet at the call of the Chair, but not less frequently than semiannually. The Board shall meet within 2 months of appointment of all members, but in any case no later than 6 months after October 11, 1996.

(Pub. L. 104-288, § 4, Oct. 11, 1996, 110 Stat. 3404.)

CONTINGENT REPEAL

Section repealed if within 2 years after Oct. 11, 1996, United States National Tourism Organization Board has not developed and implemented comprehensive plan for long-term financing of United States National Tourism Organization, see section 2141e(a) of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 2141e, 2141f of this title.

§ 2141c. Symbols, emblems, trademarks, and names

(a) In general

The Organization shall provide for the design of such symbols, emblems, trademarks, and names as may be appropriate and shall take all action necessary to protect and regulate the use of such symbols, emblems, trademarks, and names under law.

(b) Exclusive right of Organization

The Organization shall have exclusive right to use the name “United States National Tourism Organization” and the acronym “USNTO”, the symbol described in subsection (c)(1)(A) of this section, the emblem described in subsection (c)(1)(B) of this section, and the words “United States National Tourism Organization”, or any combination thereof, subject to the use reserved by subsection (c)(2) of this section.

(c) Unauthorized use; civil action

(1) In general

Any person who, without the consent of the Organization, uses—

(A) the symbol of the Organization;

(B) the emblem of the Organization;

(C) any trademark, trade name, sign, symbol, or insignia falsely representing association with, or authorization by, the Organization; or

(D) the words “United States National Tourism Organization” or the acronym “USNTO” or any combination or simulation thereof tending to cause confusion, to cause mistake, to deceive, or to falsely suggest a connection with the Organization or any Organization activity;

for the purpose of trade, to induce the sale of any goods or services, or to promote any exhi-

bition, shall be subject to suit in a civil action brought in the appropriate court by the Organization for the remedies provided in the Act of July 5, 1946 (60 Stat. 427; 15 U.S.C. 1501¹ et seq.) (popularly known as the Trademark Act of 1946).

(2) Exception

Paragraph (1)(D) shall not be construed to prohibit any person who, before October 11, 1996, actually used the words “United States National Tourism Organization” or the acronym “USNTO” for any lawful purpose from continuing such lawful use for the same purpose and for the same goods and services.

(d) Contributors and suppliers

The Organization may authorize contributors and suppliers of goods and services to use the trade name of the Organization as well as any trademark, symbol, insignia, or emblem of the Organization in advertising that the contributions, goods, or services were donated, supplied, or furnished to or for the use of, approved, selected, or used by the Organization.

(d)² Limitation

The Organization may not adopt or use any existing symbol, emblem, trademark, or name that is protected under law (including any treaty to which the United States is a party).

(Pub. L. 104-288, § 5, Oct. 11, 1996, 110 Stat. 3406.)

CONTINGENT REPEAL

Section repealed if within 2 years after Oct. 11, 1996, United States National Tourism Organization Board has not developed and implemented comprehensive plan for long-term financing of United States National Tourism Organization, see section 2141e(a) of this title.

REFERENCES IN TEXT

The Trademark Act of 1946, referred to in subsec. (c)(1), is act July 5, 1946, ch. 540, 60 Stat. 427, as amended, also popularly known as the Lanham Act, which is classified generally to chapter 22 (§1051 et seq.) of Title 15, Commerce and Trade. For complete classification of this Act to the Code, see Short Title note set out under section 1051 of Title 15 and Tables.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 2141e of this title.

§ 2141d. United States Government cooperation

(a) In general

The Secretary of Commerce, Secretary of State, the United States Trade Representative, and the Trade and Development Agency shall—

- (1) give priority consideration to recommendations of the Organization; and
- (2) cooperate with the Organization in carrying out its duties.

(b) Report

The Under Secretary for International Trade, the Assistant Secretary for Trade Development, the Assistant Secretary and Director General for the United States and Foreign Commercial

Service, the Under Secretary of State for Public Diplomacy, the United States Trade Representative, and the Trade and Development Agency shall report within 2 years of October 11, 1996, and every 2 years thereafter to the Senate Committee on Commerce, Science, and Transportation and the House Committee on Commerce on any travel and tourism activities carried out with the participation of the United States Federal Government.

(Pub. L. 104-288, § 6, Oct. 11, 1996, 110 Stat. 3406; Pub. L. 105-277, div. G, subd. A, title XIII, § 1335(o), Oct. 21, 1998, 112 Stat. 2681-789.)

CONTINGENT REPEAL

Section repealed if within 2 years after Oct. 11, 1996, United States National Tourism Organization Board has not developed and implemented comprehensive plan for long-term financing of United States National Tourism Organization, see section 2141e(a) of this title.

AMENDMENTS

1998—Subsec. (a). Pub. L. 105-277, § 1335(o)(1), struck out “Director of the United States Information Agency,” after “Trade Representative,” in introductory provisions.

Subsec. (b). Pub. L. 105-277, § 1335(o)(2), substituted “the Under Secretary of State for Public Diplomacy” for “the Director of the United States Information Agency”.

EFFECTIVE DATE OF 1998 AMENDMENT

Amendment by Pub. L. 105-277 effective on earlier of Oct. 1, 1999, or date of abolition of the United States Information Agency pursuant to reorganization plan described in section 6601 of this title, see section 1301 of Pub. L. 105-277, set out as an Effective Date note under section 6531 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 2141e of this title.

§ 2141e. Sunset

(a) Two year deadline for development of comprehensive long-term financing plan

If within 2 years after October 11, 1996, the Board has not developed and implemented a comprehensive plan for the long-term financing of the Organization, then sections 2141a through 2141d of this title are repealed.

(b) Suspension or termination of operations for insufficient funds

The Board may suspend or terminate the Organization if sufficient private sector and State or local government funds are not identified or made available to continue the Organization's operations.

(Pub. L. 104-288, § 7, Oct. 11, 1996, 110 Stat. 3407.)

§ 2141f. Definitions

For purposes of this chapter—

(1) the term “Organization” means the United States National Tourism Organization established under section 2141a of this title; and

(2) the term “Board” means the United States National Tourism Organization Board established under section 2141b of this title.

¹ So in original. Probably should be “1051”.

² So in original. Probably should be “(e)”.

(Pub. L. 104-288, § 12, Oct. 11, 1996, 110 Stat. 3410.)

Sec.

CHAPTER 32—FOREIGN ASSISTANCE**SUBCHAPTER I—INTERNATIONAL DEVELOPMENT****PART I—DECLARATION OF POLICY; DEVELOPMENT ASSISTANCE AUTHORIZATIONS**

Sec.

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2151-1.

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